

REMARKS**Restriction Requirement**

In the Office Action mailed on March 25, 2009 the Examiner restricted the claims into three groups:

Group I, claims 1-21, drawn to a proton-conducting polymer membrane based on polyazoles, obtained by an eight-step (erroneously referred to as “seven-step process” by the Examiner in the Restriction Requirement dated March 25, 2009) process recited in Claim 1.

Group II, claims 22-23, drawn to an electrode having a proton-conducting polymer coating based on polyazoles, obtained by the eight-step process recited in Claim 1.

Group III, claims 24-27, drawn to a membrane-electrode unit (claims 24-25) and a fuel cell (claims 26-27). Said membrane-electrode unit comprises at least one electrode and at least one membrane, which is based on polyazoles obtained by the eight-step process recited in Claim 1.

The Examiner stated that the inventions of Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, although they share the same or corresponding common technical feature, this common technical feature is not a special technical feature under PCT Rule 13.2. The Examiner stated that Claims 1-27 either lack novelty or are obvious over following references: US 6,264,857 (hereinafter, “Kreuer”), US 6,248,469 (hereinafter, “Formato”) and US 7,235,320 (hereinafter, “Calundann”) either individually or in combination. It is Applicants’ understanding that the Examiner is alleging that there is no special technical feature that distinguishes over the prior art, because the claimed invention either lacks novelty or is obvious over the above-referenced patents.

Applicants respectfully disagree with the Examiner’s finding of the lack of unity and reserve the right to present an argument at a later time that Claims 1-27 neither lack novelty nor are obvious over following references: US 6,264,857 (hereinafter, “Kreuer”), US 6,248,469 (hereinafter, “Formato”) and US 7,235,320 (hereinafter, “Calundann”) either individually or in combination.

Responsive to the Restriction Requirement dated March 25, 2009, the claims of Group I (Claims 1-21), drawn to a proton-conducting polymer membrane based on polyazoles, are elected for prosecution. Applicants reserve the right to file a continuing application or take such

other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

CONCLUSIONS

In the view of the above, the proton-conduction membrane of Claim 1 possess unique and advantageous properties that could not have been predicted based on any of the cited references individually or in combination, hence the proton-conducting membrane produced by steps recited in Claim 1 is a special technical feature and Groups I-III relate to a single general inventive concept under PCT Rule 13.1. Applicants respectfully request reconsideration and withdrawal of restriction requirement.

Respectfully submitted,

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